

## R E M A R K S

Claims 1 through 27 are in the application, with Claims 1, 7, 11, 13, 20 and 26 being independent. The pending claims are subject to a restriction requirement. In particular, the Office Action groups the claims into Claims 1 through 6 (Group I), Claims 7 through 10 (Group II), Claims 11 through 25 (Group III), and Claims 26 and 27 (Group IV).

Applicants hereby elect Claims 1 through 6. Examination and allowance of the elected claims are respectfully requested.

This election is made with traverse. Applicants request reconsideration of the restriction requirement in light of the following arguments, and pursuant to 37 CFR §1.143. Specifically, Applicants request that Claims 1 through 10 be grouped and examined together. As grounds for traversal, Applicants' believe that restriction between Group I and Group II was based on an improper test for "distinctness".

Restriction between claims is proper only where the claims are directed to two or more independent or distinct inventions. As described in MPEP §806.05(f), the test for determining distinctness of claims directed to a product and to a process includes two prongs, and the claims may be deemed distinct if either prong is satisfied. The Office Action uses Form Paragraph 8.18 to set forth the test for distinctness. According to the Form Paragraph, the first prong is "that the process as claimed can be used to make other and materially different product (sic)". The claimed inventions of Group I and Group II were deemed to be distinct for allegedly satisfying this first prong.

However, after reviewing §806.05(f), Applicants note that the first prong of the test for distinctness is "**that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products (emphasis added)**". Applicants submit that the claimed products and processes do not satisfy the first prong of the test for distinctness because the claimed processes (Group II) are obvious processes of making the claimed products (Group I).


Applicants therefore respectfully request a reformulation of the outstanding restriction requirement to include Claims 1 through 10 in a single group. Applicants therefore also request examination of Claims 1 through 10 on the merits. In this regard, Claims 1 through 10 are

believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

If there remains any question regarding the present application, or if the Examiner has any suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned via telephone at (203) 972-0049.

Respectfully submitted,

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Date



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